

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

RNR, LLC	
t/a Rock N Roll Hotel	Protest
1353 H Street, NE	Hearing
Retailer CT - ANC-6A	(Status)
License No. 72777	
Case #14-PRO-00004	

(Termination of Settlement
Agreement)

May 1, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:37 a.m.)

3 CHAIRPERSON MILLER: I'm going to
4 call Case No. 14-PRO-00004, Rock N Roll Hotel
5 located at 1353 H Street, N.E., License No.
6 72777, in ANC-6A. Okay.

7 MR. WHELAN: Good morning again.
8 Stephen Whelan from Veritas Law on behalf of
9 the licensee.

10 MR. WILLIAMS: Good morning. Jay
11 Williams on behalf of ANC-6A, the protestant
12 or I'm not sure what we are considered when
13 it's a termination of settlement agreement.

14 CHAIRPERSON MILLER: All right.
15 Okay. We got it though. All right.

16 MEMBER ALBERTI: Madam Chair,
17 before we go any farther, I just want to state
18 for the record that in this case and the next
19 case which involves Little Miss Whiskey's
20 Golden Dollar and in the -- another case,
21 which involves Par Bar, LLC t/a H Street
22 Country Club, I will be recusing myself from

1 the proceedings.

2 I will not leave the dias, because
3 this is just -- unless there is some decision
4 by the Board that is made today other than
5 just moving the protest forward, I will not be
6 leaving. But I just wanted to let the parties
7 know I will be recusing myself from those
8 cases.

9 MEMBER RODRIGUEZ: Thank you.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. Do you all have any issues you want to
12 bring to our attention?

13 MR. WILLIAMS: I wanted to -- I --
14 we are in the process of a negotiation. I'm
15 haven't spoken with Mr. Whelan. I have spoken
16 with Mr. Englert, so feel free to correct me
17 if anything I'm about to say is wrong.

18 I think we would like to request a
19 continuance or postponement. I know we are
20 currently scheduled for a June hearing. I
21 don't know if that was going to be set for
22 later today anyway, but we are in the process

1 of working out a negotiated agreement that may
2 include -- and I won't get into detail, but
3 may include a kind of trial period or
4 something like that.

5 But in order to kind of have the
6 flexibility to do so, we would like to ask for
7 additional time.

8 MR. WHELAN: Yes, that's what I
9 have heard from the licensee as well. I spoke
10 to Mr. Englert yesterday and he indicated for
11 a variety of reasons that in addition to the
12 fact that the parties are negotiating, that
13 postponement would be necessary.

14 CHAIRPERSON MILLER: Okay. And I
15 don't want to get into it too much, but --

16 MR. WILLIAMS: Sure.

17 CHAIRPERSON MILLER: -- the trial
18 period, would that be before you sign a
19 settlement agreement?

20 MR. WILLIAMS: Well, that -- we
21 would probably get some guidance from ABRA
22 Counsel on that as to --

1 CHAIRPERSON MILLER: Okay.

2 MR. WILLIAMS: -- whether we would
3 submit a settlement agreement that includes a
4 trial period.

5 CHAIRPERSON MILLER: Okay.

6 MR. WILLIAMS: And therefore, you
7 know, has certain provisions that would, I
8 don't know, I mean, reinstate --

9 MEMBER ALBERTI: I think we are
10 getting into settlement agreements.

11 CHAIRPERSON MILLER: I was just
12 curious.

13 MR. WILLIAMS: Yeah, no. Yeah, I
14 mean, we would work to have something that we
15 believe that the Board would find acceptable.

16 CHAIRPERSON MILLER: Okay.

17 MR. WILLIAMS: Ahead of time.

18 CHAIRPERSON MILLER: So and also,
19 is there a time, you know, that you'll get a
20 continuance to? You know, by which time, you
21 know, if this didn't all work out, you know,
22 you would be going to --

1 MR. WHELAN: I don't know what has
2 been discussed. I know Mr. Englert
3 represented that he would be out of the
4 country for a decent portion of the summer and
5 he was looking towards September.

6 CHAIRPERSON MILLER: September.

7 MR. WILLIAMS: I think September
8 is acceptable. And we can always -- if for
9 some reason that doesn't work out, we can
10 always follow-up, but, yes, September seems
11 perfectly reasonable to me.

12 CHAIRPERSON MILLER: Okay. So I
13 suggest we, you know, take this under
14 advisement, look at the calendar with our
15 General Counsel and we will get back to you.
16 But I hear that it's, you know, a joint
17 request.

18 MS. JENKINS: Go ahead and grant
19 it.

20 CHAIRPERSON MILLER: Oh, okay.
21 I've gotten permission to -- we can grant it.
22 We will look at our calendar to grant it. Is

1 that all right with the rest of the Board
2 Members? Okay. So --

3 MEMBER ALBERTI: You need Mike.

4 CHAIRPERSON MILLER: -- I'll do a
5 motion.

6 MEMBER ALBERTI: We need Mike
7 here.

8 MEMBER RODRIGUEZ: We need Mike
9 here.

10 MEMBER ALBERTI: Because I'm
11 recusing myself.

12 CHAIRPERSON MILLER: Oh, okay. So
13 what we will be doing is granting your motion
14 for a continuance off the date that you have
15 and then the General Counsel will give you a
16 new date probably down the road.

17 MR. WILLIAMS: That's great.
18 Thank you.

19 MR. WHELAN: Thank you.

20 CHAIRPERSON MILLER: Okay. So I
21 move that we grant the parties joint request
22 for a continuance of their Protest Hearing to

1 a date to be determined by our General
2 Counsel.

3 MEMBER RODRIGUEZ: I second the
4 motion.

5 CHAIRPERSON MILLER: Okay. Any
6 other comments?

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining?

11 MEMBER ALBERTI: Abstain.

12 CHAIRPERSON MILLER: The motion
13 passes 3-0-1, I guess.

14 MEMBER ALBERTI: To 1, yeah.

15 CHAIRPERSON MILLER: Mr. Alberti
16 abstaining as he is recusing himself from this
17 case. In any event, if it does go forward to
18 a Protest Hearing, there may not be another
19 status, so I want to highlight a few of the
20 points that I have been making that are really
21 important for you all before you go to a
22 Protest Hearing. The focus is the

1 appropriateness of the establishment in the
2 section of the District where the
3 establishment is located.

4 MR. WILLIAMS: Sorry.

5 CHAIRPERSON MILLER: What?

6 MR. WILLIAMS: Sorry. Is that the
7 standard for a termination of settlement
8 agreement?

9 CHAIRPERSON MILLER: I'm sorry.
10 Thank you very much. This is a termination.
11 Forget that. Okay. But I believe that we do
12 still have the PIFs for the termination, so,
13 no, thank you. I don't need to go into the
14 appropriateness, though it may be part of it,
15 but those PIFs and Exhibit Forms which you
16 should get from Tesha Anderson to be -- have
17 to be submitted to opposing parties and the
18 Board within seven days of the hearing.

19 If we don't receive a copy of the
20 PIF or they don't, your application or your
21 termination or whatever, may be dismissed.

22 Likewise if we don't receive a

1 copy of the Exhibit Form and the exhibits
2 themselves, your exhibits may be excluded from
3 the record upon a finding that the opposing
4 party has been prejudiced or no good cause for
5 the failure to submit has been shown.

6 Likewise, witnesses other than a
7 party may also be subject to exclusion if not
8 identified on the PIF and identified means
9 specifically with names and they are critical
10 for a focused hearing with no surprises. So
11 good luck in your settlement negotiations.

12 MR. WILLIAMS: Thank you.

13 CHAIRPERSON MILLER: And if you
14 have any problems, you can contact Ms.
15 Anderson, 442-6492, or Ms. Jenkins after this
16 hearing. Okay. Thank you.

17 MR. WILLIAMS: Thank you.

18 MR. WHELAN: Thank you.

19 CHAIRPERSON MILLER: Okay.

20 (Whereupon, the Protest (Status)
21 Hearing in the above-entitled matter was
22 concluded at 10:44 a.m.)

<p>A</p> <p>a.m 2:2 10:22</p> <p>above-entitled 10:21</p> <p>ABRA 4:21</p> <p>Abstain 8:11</p> <p>abstaining 8:10,16</p> <p>acceptable 5:15 6:8</p> <p>addition 4:11</p> <p>additional 4:7</p> <p>advisement 6:14</p> <p>agreement 1:9 2:13 4:1,19 5:3 9:8</p> <p>agreements 5:10</p> <p>ahead 5:17 6:18</p> <p>Alberti 1:17 2:16 5:9 7:3,6,10 8:11 8:14,15</p> <p>Alcoholic 1:2,12,12</p> <p>ANC-6A 1:7 2:6,11</p> <p>Anderson 9:16 10:15</p> <p>anyway 3:22</p> <p>application 9:20</p> <p>appropriateness 9:1,14</p> <p>attention 3:12</p> <p>aye 8:7,8</p>	<p>certain 5:7</p> <p>Chair 2:16</p> <p>Chairperson 1:14 1:16 2:3,14 3:10 4:14,17 5:1,5,11 5:16,18 6:6,12,20 7:4,12,20 8:5,9,12 8:15 9:5,9 10:13 10:19</p> <p>Club 2:22</p> <p>COLUMBIA 1:1</p> <p>comments 8:6</p> <p>concluded 10:22</p> <p>considered 2:12</p> <p>contact 10:14</p> <p>continuance 3:19 5:20 7:14,22</p> <p>Control 1:2,12,12</p> <p>copy 9:19 10:1</p> <p>correct 3:16</p> <p>Counsel 4:22 6:15 7:15 8:2</p> <p>country 2:22 6:4</p> <p>critical 10:9</p> <p>CT 1:7</p> <p>curious 5:12</p> <p>currently 3:20</p>	<p>event 8:17</p> <p>excluded 10:2</p> <p>exclusion 10:7</p> <p>Exhibit 9:15 10:1</p> <p>exhibits 10:1,2</p> <p>F</p> <p>fact 4:12</p> <p>failure 10:5</p> <p>farther 2:17</p> <p>favor 8:7</p> <p>feel 3:16</p> <p>find 5:15</p> <p>finding 10:3</p> <p>flexibility 4:6</p> <p>focus 8:22</p> <p>focused 10:10</p> <p>follow-up 6:10</p> <p>Forget 9:11</p> <p>Form 10:1</p> <p>Forms 9:15</p> <p>forward 3:5 8:17</p> <p>free 3:16</p> <p>G</p> <p>General 6:15 7:15 8:1</p> <p>getting 5:10</p> <p>give 7:15</p> <p>go 2:17 6:18 8:17 8:21 9:13</p> <p>going 2:3 3:21 5:22</p> <p>Golden 2:20</p> <p>good 2:7,10 10:4,11</p> <p>gotten 6:21</p> <p>grant 6:18,21,22 7:21</p> <p>granting 7:13</p> <p>great 7:17</p> <p>guess 8:13</p> <p>guidance 4:21</p> <p>H</p> <p>H 1:6 2:5,21</p> <p>hear 6:16</p> <p>heard 4:9</p> <p>hearing 1:6,13 3:20</p>	<p>7:22 8:18,22 9:18 10:10,16,21</p> <p>HECTOR 1:18</p> <p>highlight 8:19</p> <p>Hotel 1:6 2:4</p> <p>I</p> <p>identified 10:8,8</p> <p>important 8:21</p> <p>include 4:2,3</p> <p>includes 5:3</p> <p>indicated 4:10</p> <p>involves 2:19,21</p> <p>issues 3:11</p> <p>J</p> <p>Jay 2:10</p> <p>Jenkins 6:18 10:15</p> <p>joint 6:16 7:21</p> <p>June 3:20</p> <p>K</p> <p>kind 4:3,5</p> <p>know 3:7,19,21 5:7 5:8,19,20,21,21 6:1,2,13,16</p> <p>L</p> <p>Law 2:8</p> <p>leave 3:2</p> <p>leaving 3:6</p> <p>License 1:7 2:5</p> <p>licensee 2:9 4:9</p> <p>Likewise 9:22 10:6</p> <p>Little 2:19</p> <p>LLC 1:5 2:21</p> <p>located 2:5 9:3</p> <p>look 6:14,22</p> <p>looking 6:5</p> <p>luck 10:11</p> <p>M</p> <p>Madam 2:16</p> <p>making 8:20</p> <p>matter 1:4 10:21</p> <p>mean 5:8,14</p> <p>means 10:8</p> <p>MEETING 1:3</p>	<p>Member 1:17,17,18 2:16 3:9 5:9 7:3,6 7:8,10 8:3,11,14</p> <p>Members 7:2</p> <p>met 1:12</p> <p>Mike 1:17 7:3,6,8</p> <p>Miller 1:14,16 2:3 2:14 3:10 4:14,17 5:1,5,11,16,18 6:6 6:12,20 7:4,12,20 8:5,9,12,15 9:5,9 10:13,19</p> <p>morning 2:7,10</p> <p>motion 7:5,13 8:4 8:12</p> <p>move 7:21</p> <p>moving 3:5</p> <p>N</p> <p>N 1:6 2:4</p> <p>N.E 2:5</p> <p>N.W 1:13</p> <p>names 10:9</p> <p>NE 1:6</p> <p>necessary 4:13</p> <p>need 7:3,6,8 9:13</p> <p>negotiated 4:1</p> <p>negotiating 4:12</p> <p>negotiation 3:14</p> <p>negotiations 10:11</p> <p>new 7:16</p> <p>NICK 1:17</p>
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